

October 31, 2016
Springfield, Missouri

The City Council met in regular session October 31, 2016 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Stephens. A moment of silence was observed.

Roll Call

Present: Ken McClure, Jan Fisk, Phyllis Ferguson, Mike Schilling, Tom Prater, Craig Fishel, and Bob Stephens. Absent: Craig Hosmer, and Kristi Fulnecky.

Note: Councilman Hosmer arrived at 6:35 p.m.

Minutes

There being no additions, deletions or corrections, the minutes of October 17, 2016-Regular and October 25, 2016-Special were approved as presented.

Consent Agenda

The Consent Agenda was finalized and approved as presented.

CEREMONIAL MATTERS

Sworn In

Mindy Spitz was sworn in to the Tree City USA Citizen Advisory Committee.

City Managers report and responses to questions raised at the previous City Council meeting:

Greg Burris, City Manager, provided updates on questions raised from the previous Council meeting.

Mr. Burris announced Darla Morrison has been named Interim Human Resources Director. He stated Ms. Morrison will temporarily replace Sheila Maerz, who announced her retirement in July.

Mr. Burris noted Zone 2 Councilman Tom Prater will host a public meeting from 6:00 p.m. to 7:30 p.m., November 16, 2016 at Alice Pittman Elementary School, 2934 E. Bennett. He stated residents are invited to attend this informal town hall session and have a chance to meet Councilman Prater and share ideas and concerns.

Mr. Burris noted the public is invited to attend an open house at 4 p.m., November 17, 2016 at White River Brewing Company. He noted Public Works, Public Information and Great River Engineering Staff will be on hand to share information about the options for rehabilitating the Jefferson Avenue Footbridge and collect public input.

Mr. Burris stated the City is excited to partner with Convoy of Hope and Community Partnership of the Ozarks to host a workshop Wednesday, November 2, 2016. He noted more than 100 representatives from churches and faith-based institutions have already signed up to learn more about the collective impact model framework the City is using to continue addressing poverty.

Mr. Burris stated Police Chief Williams has provided Council with the Police Staffing update.

Mr. Burris congratulated Councilwoman Ferguson, for winning the Dwight F. Davis Award for a Citizen Planner from the Missouri Chapter of the American Planning Association (APA Missouri). He stated the purpose of the APA Missouri awards is to recognize outstanding work conducted in the field of planning through the state of Missouri. Mr. Burris introduced Jason Ray, the Executive Director of the Southwest Missouri Council of Governments and the Chairman of the Planning and Zoning Commission. Mr. Ray gave a brief overview of the APA Missouri chapter and the Dwight F. Davis Award. He thanked Councilwoman Ferguson for her service to her neighborhood and to the City of Springfield. Councilwoman Ferguson expressed her opinion that planning is vitally important to all cities.

Mayor Stephens noted he received a letter from a citizen explaining when her elderly mother was flying home to Texas, and she needed assistance in the airport, Councilwoman Fisk had assisted her and made sure she did not miss her flights. Mayor Stephens expressed his appreciation to Ms. Fisk for taking care of our citizens.

Mayor Pro Tem McClure asked Mr. Burris if citizens, local churches, and business affected by the November 6, 2016 Bass Pro Marathon have been notified of the potential impact to traffic. Mr. Burris noted much had been learned in the last several years of assisting in the planning of the marathon. He stated notifications have already begun.

The following bills appeared on the agenda under Second Reading Bills:

**Amending Springfield
City Code, Chapter 2,
Administration, Article I**

Sponsor: Fisk. Council Bill 2016-231. A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article I, In General, Section 2-5, Bonds on public works projects, by increasing the minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00.

Council Bill 2016-231. General Ordinance 6309 was approved by the following vote: Ayes: McClure, Fisk, Hosmer, Ferguson, Schilling, Prater, Fishel, and Stephens. Nays: None. Absent: Fulnecky. Abstain: None.

**Amending Springfield
City Code, Chapter 2,
Administration, Article
VI, Finances**

Sponsor: Hosmer. Council Bill 2016-232. A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending Subsection 13-3.104, Paragraph 8, Contract Performance and Payment Bonds, by increasing the minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00 in the City's Purchasing Manual.

Council Bill 2016-232. General Ordinance 6310 was approved by the following vote: Ayes: McClure, Fisk, Hosmer, Ferguson, Schilling, Prater, Fishel, and Stephens. Nays: None. Absent: Fulnecky. Abstain: None.

Amending Springfield City Code, Chapter 98, Streets, Sidewalks and Public Places

Sponsor: Fulnecky. Council Bill 2016-233. A general ordinance amending the Springfield City Code, Chapter 98, Streets, Sidewalks and Public Places, Article VI, Improvements, Division 1, generally, by repealing Sections 98-224, 'Authority to suspend or debar bidders'; 98-225, 'Procedure for suspension or debarment of bidders'; and 98-226, 'Grounds for suspension or debarment of bidders'; in their entirety, and reserving these sections for future use.

Council Bill 2016-233. General Ordinance 6311 was approved by the following vote: Ayes: McClure, Fisk, Hosmer, Ferguson, Schilling, Prater, Fishel, and Stephens. Nays: None. Absent: Fulnecky. Abstain: None.

Amending Springfield City Code, Chapter 2, Administration, Article VI, Finances

Sponsor: McClure. Council Bill 2016-234. A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending Subsections 13-3.401 and 13-3.402, relating to procedures to suspend and/or debar bidders.

Council Bill 2016-234. General Ordinance 6312 was approved by the following vote: Ayes: McClure, Fisk, Hosmer, Ferguson, Schilling, Prater, Fishel, and Stephens. Nays: None. Absent: Fulnecky. Abstain: None.

Intergovernmental Agreement for Road Improvement with Greene County

Sponsor: Schilling. Council Bill 2016-236. A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement for a road improvement project with Greene County, Missouri, for the purpose of constructing roadway improvements on Republic Road between Golden Avenue and Route FF in the amount of \$1,248,000.

Council Bill 2016-231. Special Ordinance 26807 was approved by the following vote: Ayes: McClure, Fisk, Hosmer, Ferguson, Schilling, Prater, Fishel, and Stephens. Nays: None. Absent: Fulnecky. Abstain: None.

RESOLUTIONS.

Safety Housing Inspection Program

Sponsor: Ferguson. Council Bill 2016-238. A resolution endorsing the establishment of a 90-day pilot program to study a designated area within the West-Central Neighborhood for the purpose of assessing the impact of targeted enforcement of a one- and two-family unit, life safety housing inspection program and recommending improvements to existing City Code as a result of such study.

Chris Straw, Director of Building Development Services, gave a brief overview of the proposed. He stated the purpose is intended to endorse the establishment of a 90-day pilot program to study a designated area within the West-Central Neighborhood for the purpose of assessing the impact of targeted enforcement of one and two-family units, life safety housing inspection program and recommending improvements to existing City Code as a result of such study. Mr. Straw noted eight of the nine community listen meetings identified nuisance properties as citizens' number one concern. He stated the West Central Neighborhood Association has volunteered to assist the City by participating in this pilot program. Mr. Straw noted the Community Partnership of the Ozarks notified him they are in support of this pilot program as well. He stated while the impact on his department is not yet known, the pilot program will assist the City in a focused evaluation regarding the nature and severity of these nuisance

concerns. Mr. Straw noted the pilot program will assist with identifying existing procedures and practices for future improvement city-wide. He stated there will be no additional staff utilized for this pilot program and the program will primarily focus on rental property due to the current workload of staff. Mr. Straw noted his department has invested 9,753 cases thus far in 2016.

An opportunity was given for citizens to express their views.

Rusty Worley, West Central Neighborhood Alliance, spoke in support of the proposed. He stated the Alliance has an active neighborhood team that works with City staff to address issues with nuisance properties on a monthly basis. Mr. Worley expressed his belief the West Central Neighborhood has the highest rate of rental properties of any neighborhood in the City. He expressed his opinion 90 days may not be enough time to gather the amount of data that is required to make informed decisions.

Peter Radecki, Chairman of the Neighborhood Advisory Council (NAC), spoke in favor of the proposed. He stated while the NAC has advocated for an inspection program for rental units for several years now, it does not support such an inspection program for owner-occupied properties. He expressed his opinion this inspection program can help landlords, as well as renters, by identifying tenants that are making their properties unsafe. Mr. Radecki expressed his opinion this program could serve as a “stamp-of-approval” from a rental association, which could help inform prospective tenants of the condition of a rental property.

Kathleen Cowens, President of West Central Neighborhood Alliance, spoke in support of the proposed. She stated the West Central Neighborhood supports any effort to provide for the safety of those individuals who rent. Ms. Cowens expressed her opinion far too often renters are at the mercy of unscrupulous landlords. She stated many times the result of tenant complaints regarding safety issues is eviction. Ms. Cowens noted the West Central Neighborhood Alliance supports any effort to address chronic nuisance properties in the neighborhood. She expressed her appreciation for the opportunity for the West Central Neighborhood to participate in this pilot program.

With no further appearances, the public hearing was closed.

Councilwoman Ferguson expressed her opinion chronic nuisance properties and life-safety issues have been a serious problem in Zone 1 for many decades. Ms. Ferguson expressed her opinion this pilot program is an important and positive step forward in attempting to solve this problem. She stated she is in support of the proposed.

Councilman Schilling expressed his desire to make progress on this issue.

Council Bill 2016-238. Resolution 10291 was approved by the following vote:
Ayes: McClure, Fisk, Hosmer, Ferguson, Schilling, Prater, Fishel, and Stephens.
Nays: None. Absent: Fulnecky. Abstain: None.

Rebekah Polly

Sponsor: Stephens. Council Bill 2016-239. A resolution confirming the appointment of Rebekah Polly to serve on the Commercial Street Community

Improvement District Board of Directors.

Greg Burris, City Manager, stated the Commercial Street Community Improvement District Board of Directors currently has two vacancies and the proposed, if approved, will fill one of those vacancies.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was closed.

Council Bill 2016-239. Resolution 10292 was approved by the following vote: Ayes: McClure, Fisk, Hosmer, Ferguson, Schilling, Prater, Fishel, and Stephens. Nays: None. Absent: Fulnecky. Abstain: None.

EMERGENCY BILLS.

Intergovernmental Agreement with the City of Joplin

Sponsor: Fisk. Council Bill 2016-240. A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with the City of Joplin, Missouri, for use of the Joplin Jail for housing City inmates and declaring an emergency.

Chief Paul Williams, Springfield Police Department, gave a brief overview of the proposed. He stated beginning in May 2016 the City has had contractual agreements with Miller County and Taney County to house the City's municipal prisoners. Chief Williams stated these contracts do not completely fulfill the City's needs. He stated Miller County has opted out of the contract and as a result the last day they take municipal prisoners is November 7, 2016. Chief Williams stated he discovered the City of Joplin has a municipal jail, and he began exploring options with them at the end of August 2016. He noted the City of Joplin has had contracts in the past with other municipalities to house prisoners. Chief Williams stated the City of Joplin has offered to house the City of Springfield's municipal prisoners at a rate of \$50 per prisoner per day. He noted this rate is higher than Miller and Taney County, but utilizing the Joplin municipal jail will result in significant transportation cost savings. Chief Williams stated Joplin's jail has capacity to house up to 64 prisoners with an average daily population of 30 to 40 prisoners. He noted the jail can reach maximum capacity on some weekends, but not all weekends. Chief Williams stated this contract does not specify a minimum or maximum number of prisoners to be housed because it is strictly on an as-space-is-available basis. He noted a local contractor, Southern Missouri Judicial Services (SMOJS), will provide transportation, as needed, to and from Joplin if the proposed is approved. Chief Williams stated the proposed will not solve the City's municipal prisoner problem. He noted since May 2016, when the contracts with Miller and Taney Counties were signed, the City has taken an average of 24 to 25 prisoners per week to those two counties. Chief Williams stated the City averages approximately 90 people per week who have outstanding warrants that cannot be taken into custody and are released on their own recognizance. He noted 99 percent of those who have been taken to jail are people who have failed to appear on warrants issued by a municipal judge, and in some cases they have failed to appear numerous times. Chief Williams stated the proposed allows prisoners to appear via video conferencing if they choose to do so. If they choose not to, SMOJS will transport them from Joplin to Springfield for their court appearance. He noted the proposed is within the original \$500,000 City Council approved for

transportation and housing of prisoners in May 2016. Chief Williams stated he has spent approximately \$166,000 to date and no additional money is needed for the proposed. He noted the City of Joplin City Council will meet on Monday, November 7, 2016 and the proposed will appear on their meeting agenda.

Councilman Hosmer asked for clarification on the total amount spent to date. Chief Williams responded the amount includes transportation and housing costs and miscellaneous expenses. Mr. Hosmer asked what the capacity for the Joplin jail is. Chief Williams responded it is 64. Mr. Hosmer asked what year the Joplin jail was built. Chief Williams responded he did not have that information. Mr. Hosmer expressed his opinion the current situation is not ideal, but the proposed is better than the current arrangement with Miller County. He expressed his appreciation to Chief Williams for his efforts putting the proposed together.

An opportunity was given for citizens to express their views.

Tim Havens addressed Council. He expressed his opinion the current situation is a situation of our own making and is a result of City Council's relationship with Greene County. Mr. Havens expressed his opinion City Council is not being honest with the City of Joplin. He expressed his opinion the proposed should include language indicating there is no ride home. Mr. Havens expressed his opinion the proposed will cause homeless, indigent, criminals, and mentally ill people stranded in Joplin. He expressed his opinion this situation is almost two years old and the proposed should not be presented to Council as an emergency. Mr. Havens expressed his opinion the proposed should pay the City of Joplin \$75 for the first day instead of \$50 and the extra money can be used to purchase a taxi cab ride to the bus station and a bus ticket in order for the prisoners to have transportation back to Springfield. Mr. Havens stated he has talked to four council members from Joplin and they are under the impression transportation back to Springfield is included in the proposed.

With no further appearances, the public hearing was closed.

Councilman Hosmer stated he supports the proposed. He expressed his opinion spending money on low income people who are law abiding and deserving of public assistance is a better use of the City's resources than spending money transporting people, who habitually violate the law, to and from jail. Mr. Hosmer expressed his opinion the City did not stop the jail from taking municipal prisoners. He noted there was an agreement in 1997 supported by the voters that provided tax revenue to Greene County so they would take municipal prisoners from the City. Mr. Hosmer stated this agreement was with the voters of Springfield; it is a tax that is paid to the County; and it is an obligation that Greene County has with the City of Springfield. He expressed his opinion the 1997 vote of the citizens of Springfield should be honored.

Council Bill 2016-240. Special Ordinance 26808 was approved by the following vote: Ayes: McClure, Fisk, Hosmer, Ferguson, Schilling, Prater, Fishel, and Stephens. Nays: None. Absent: Fulnecky. Abstain: None.

PUBLIC IMPROVEMENTS.

GRANTS.

**Environmental Workforce
Development and Job
Training Grant**

Sponsor: Prater. Council Bill 2016-245. A special ordinance authorizing the City Manager, or his designee, to accept an Environmental Workforce Development and Job Training Grant in the amount of \$200,000 from the United States Environmental Protection Agency for the purpose of creating job training programs that recruit, train, and place local unemployed and under-employed residents into full-time employment in the environmental field, and to enter into necessary agreements to carry out the grant; amending the budget of the Department of Workforce Development for Fiscal Year 2016-2017 in the amount of \$200,000 to appropriate the grant funds; and declaring that this bill qualifies for approval on one reading.

Greg Burris, City Manager, introduced Isaac Weber from Workforce Development. Mr. Weber gave a brief overview of the proposed. He stated the United States Environmental Protection Agency offered this grant to 18 cities across the nation, including the City of Springfield. Mr. Weber noted this is a three-year grant to train 56 people in the environmental field. He stated 28 people will be trained during the first and second year with the third year being dedicated to follow-up training. Mr. Weber noted the purpose of the grant is to create job training programs that recruit, train and place low income and minority residents of waste-impacted communities, veterans, and those with little to no advanced education; residents of communities impacted by a variety of waste facilities, blighted properties, contaminated sites, and other environmental issues; into full-time, sustainable employment in various aspects of hazardous and solid waste management and remediation, water quality improvement, chemical safety, and pesticide management. He stated training will begin in February 2017 and February 2018 during the second year. Mr. Weber noted the grant targets the City's northwest side.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was closed.

Councilwoman Ferguson expressed her appreciation to Mr. Weber and Workforce Development for the hard work they did to ensure the City received this grant. She expressed her opinion creating 56 jobs this grant will impact the lives of many who live in Zone 1.

Council Bill 2016-245. Special Ordinance 26809 was approved by the following vote: Ayes: McClure, Fisk, Hosmer, Ferguson, Schilling, Prater, Fishel, and Stephens. Nays: None. Absent: Fulnecky. Abstain: None.

AMENDED BILLS.

COUNCIL BILLS FOR PUBLIC HEARING.

**519, 525 and 529 East
Cherry Street**

Sponsor: Fishel. Council Bill 2016-241. A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Zoning Maps,' by rezoning approximately 0.68 acres of property, generally located at 519, 525 and 529 East Cherry Street from Planned Development No. 232, to a CC, Center City District; establishing Conditional Overlay District No. 113; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval). (By: Family Violence Center, Inc. c/o Jason Murray; 519, 525 & 529

E. Cherry Street; Z-16-2016 Conditional Overlay District No. 113.)

Greg Burris, City Manager, introduced Mary Lilly Smith, Director of Planning and Development. Ms. Smith gave a brief overview of the proposed. She stated the proposed is a request to rezone 0.68 acres from Planned Development 232 to Center City with Conditional Overlay 113. Ms. Smith noted this property is the former Harmony House property. She stated according to the Growth Management and Land Use Plan, Center City is an appropriate zoning district. Ms. Smith noted the Center City Zoning District does not require on-site parking. She expressed her opinion it is important to provide parking since public parking is not readily available in the area. She stated Conditional Overlay District requires off-street parking and permits a parking reduction of 20 percent by providing bicycle parking at a rate of two bike parking spaces for each required automobile parking space.

Councilman Schilling asked for clarification on the development plans. Ms. Smith expressed her opinion the development is all residential development. She stated the developer is available to answer questions.

An opportunity was given for citizens to express their views.

Jason Murray, property developer, spoke in support of the proposed. He stated there are three buildings, an all-brick building and two houses, currently situated on this property. Mr. Murray noted all three buildings are in need of substantial repair. He stated the development calls for renovating the all-brick building into 16 residential lofts and demolishing the two houses and replacing them with an apartment building.

Marilyn Starnes Biggs, adjacent property owner, asked for clarification on the type of apartment buildings being proposed for this property. Mayor Stephens suggested she meet with Mr. Murray to discuss the design plans.

With no further appearances, the public hearing was closed.

**2700 and 3000 Blocks of
West Republic Street**

Sponsor: Schilling. Council Bill 2016-242. A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' by annexing approximately 4.7 acres of Greene County right-of-way into the City of Springfield, Missouri, generally located between the 2700 and 3000 blocks of West Republic Street, generally referenced as Annexation A-2-16; and amending the Springfield City Code, Chapter 46, Section 46-1, 'Boundaries of wards, precincts and council zones,' by adding this property to the ward and precinct assigned them by the County Clerk.

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She stated the proposed is an action to annex right-of-way only. Ms. Smith noted this action was initiated by City Council on October 3, 2016 at the request of Greene County. She stated considerations for annexation include is the annexation reasonable and necessary for the proper development of the City and does the City have the ability to furnish normal services within a reasonable period of time. Ms. Smith noted the intersections are already within the City limits and the Springfield Police and Fire Departments did not identify any issues associated with the proposed annexation. She stated the Urban Service

Area sets the geographic boundaries for provision of urban services and allows for continued growth and development by maximizing use of existing resources while minimizing costs to citizens. Ms. Smith noted the annexation is consistent with the City's Comprehensive Plan and Urban Service Area Philosophy; it fulfills a cost-share agreement with Greene County; it creates a more logical boundary and eliminates first responder confusion.

Councilman Hosmer asked if adjoining property is located within City limits. Ms. Smith responded the property in question is not currently within City limits and will not be within City limits if the proposed annexation is approved. She stated if the proposed is approved, the City will attempt to work with these property owners on the possible annexation of their property. Ms. Smith noted property owners must give consent to annexation and petition the City to be annexed into the City. Mr. Hosmer asked what obligations the City will have if the proposed is approved. Ms. Smith responded it will become the City's responsibility to maintain the road. She noted the City just completed a cost-share project with Greene County improving this section of roadway. Mr. Hosmer asked for clarification on what is being annexed. Ms. Smith responded the City is only annexing right-of-way. Councilman Fishel asked about adjacent parking lots. Ms. Smith responded the proposed only annexes right-of-way and does not impact these properties.

An opportunity was given for citizens to express their views. With no further appearances, the public hearing was closed.

**Amending Springfield
City Code Section 36-
303(30)(b) 'Utilities.'**

Sponsor: Fulnecky. Council Bill 2016-243. A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, known as the Land Development Code, Article III – 'Zoning Regulations,' Division 1 'Intent, Purpose and General Provisions,' Section 36-303(30)(b) 'Utilities.'

Mary Lilly Smith, Director of Planning and Development, gave a brief overview of the proposed. She stated the proposed amends the Zoning Ordinance requirement that walls and fences surrounding utility substations be painted a neutral color. Ms. Smith noted the proposed removes all ambiguity about what constitutes a neutral color and will permit alternative colors or murals to be used on utility substation walls or fences. She stated the proposed does not apply to utility boxes.

Councilman Schilling asked if utility boxes can be decorated. Ms. Smith expressed her opinion the City does not regulate utility boxes within the Zoning Ordinance. Councilwoman Ferguson stated 150 City Utility owned poles in the Moon City Creative District have been painted, but the utility poles owned by AT&T were not allowed to be painted.

An opportunity was given for citizens to express their views. With no further appearances, the public hearing was closed.

The following bills appeared on the agenda under First Reading Bills:

The following bills were read simultaneously:

The following two bills were read and discussed together.

Amended

**Transportation Network
Companies and Drivers
Substitute 1**

Sponsor: McClure. Council Bill 2016-244. Substitute No. 1. A general ordinance amending the Springfield City Code by repealing language contained in Chapter 118 Vehicles for Hire, and adding new regulations for Transportation Network Companies and Drivers.

**Transportation Network
Companies and Drivers**

Sponsor: McClure, Hosmer, Fulnecky, & Schilling. Council Bill 2016-244. A general ordinance amending the Springfield City Code by repealing language contained in Chapter 118 Vehicles for Hire, and adding new regulations for Transportation Network Companies and Drivers. (The Finance and Administration Committee recommends approval.)

Mayor Pro Tem McClure stated Council Bill 2016-244 is the bill that was recommended by the Finance and Administration Committee for City Council consideration and Council Bill 2016-244, Substitute No. 1, is a proposed substitute bill that came out of subsequent conversations with the Transportation Network Companies (TNC). He noted 34 states have state-wide registration or certification requirements for TNCs. Mr. McClure stated in those states, TNCs are allowed to operate anywhere in the state based on certification or registration as allowed by legislation passed by the General Assemblies in those states. He noted this is not the case in Missouri. Mr. McClure stated in Missouri there is no state law that grants a certificate or state-wide registration. He noted there was an attempt last year in the General Assembly to allow for a state-wide certificate or registration, but it was not successful. Mr. McClure stated in order for TNCs to operate in Missouri, they must do so with certifications provided by local municipalities. He noted when this measure was first introduced at the March 21, 2016 City Council meeting, the General Assembly was still considering legislation concerning TNC and it only made sense for City Council to wait and see if that legislation would pass. Mr. McClure stated the General Assembly did not pass legislation concerning TNCs and subsequently the City Council's Finance and Administration Committee conducted meetings beginning in June 2016 to discuss a proposed TNC ordinance. He noted the Finance and Administration Committee has met on several occasions in order to determine the best approach to take for TNCs to operate in the City of Springfield as well as providing a fair approach to other providers in the City. Mr. McClure expressed his opinion the TNCs operate with a new type of business plan and therefore the City should look at the requirements of the current ordinances to determine how to make changes that are fair for the TNCs, other providers in the City, and for the City itself. He expressed his opinion the goal for the City should be to pass an ordinance that can serve as model legislation for all of Missouri. Mr. McClure expressed his opinion there will be other attempts in the General Assembly to pass TNC legislation, and if that happens, the City will take the appropriate actions. He expressed his opinion the City should pass an ordinance that will attract TNCs to the City of Springfield and at the same time is fair to the City's existing transportation network. Mr. McClure note the Finance and Administration Committee has worked hard to produce such an ordinance. He expressed his opinion Council Bill 2016-244, Substitute No. 1 is fair to all transportation providers and addresses the unique business plan of the TNCs. Mr. McClure expressed his appreciation to the members of the Finance and Administration Committee and City staff for their hard work and assistance in creating this Council Bill.

Greg Burris, City Manager, introduced Amanda Callaway, Assistant City Attorney. Ms. Callaway gave a brief overview of the changes to the proposed. She noted the City will no longer issue driver's permits, but will require the taxicab, TNCs, or airport limousine company to regulate the driver. Ms. Callaway stated drivers must be at least 18 years of age; have a Class E license; must not have been convicted with the past seven years of any felony or misdemeanor involving driving under the influence, reckless driving, hit and run, or any other driving offense or any misdemeanor sexual offense; must not be a match on the United States Department of Justice National sex offender public website; or has not had more than three moving violations in the prior three-year period of time or one of the following major violations in the prior three-year period of time: attempting to evade police, reckless driving, or driving on a suspended or revoked license. She noted in response to complaints about drivers, the company shall immediately suspend a driver upon receiving a complaint concerning that driver; conduct a commercially reasonable investigation to determine whether the complaint is valid; shall not allow the driver to work for them if that driver has been suspended or removed by another company; and the City may inspect the company's records to investigate a complaint. Ms. Callaway stated the company shall establish a zero tolerance policy on the use of drugs and alcohol while its drivers are providing service; shall maintain records relevant to the requirements regarding drivers; and shall make the driver's identification available to passengers. She noted the proposed allows the City to suspend a company's license and provides for opportunities for administrative hearings. Ms. Callaway stated the second major amendment to the proposed requires taxicabs, airport limousine companies, and TNCs not engaged in transportation services to have minimum insurance coverage in the amounts of \$50,000/\$100,000/\$25,000. She noted TNC drivers engaged in transportation services are required to have insurance coverage in the amount of \$1 Million for death, bodily injury, and property damage.

Councilman Hosmer asked if the ordinance still restricts smoking. Ms. Callaway responded language restricting smoking was in the driver's permit section which was repealed. She stated it is the opinion of the City Attorney's Office that the City's Smoke-Free Springfield Act provides the necessary language that will restrict smoking in taxi cabs. Ms. Callaway noted the proposed could be amended to add language restricting smoking in taxi cabs. Mr. Hosmer stated he would like to see language restricting smoking be added to the proposed.

**Motion to Amend
Council Bill 2016-244,
Substitute No 1 to
Prohibit Smoking**

Councilman Schilling moved that Council Bill 2016-244, Substitute No. 1, section 118-41 be amended to add new language prohibiting smoking by adding subsection 8 to read as follows: "Smoking shall be prohibited by drivers and passengers in taxicabs, transportation network company vehicles, and airport limousines while the driver is engaged in transporting passengers for hire and/or providing transportation network company services." Councilman Hosmer seconded the motion and it was approved by the following vote:

Ayes: McClure, Fisk, Hosmer, Ferguson, Schilling, Prater, Fishel, and Stephens.
Nays: None. Absent: Fulnecky. Abstain: None.

Mayor Stephens asked for clarification on the insurance requirements. Ms. Callaway responded when a TNC driver is logged on to the TNC app and has

accepted a request through the app for a ride, the driver becomes required to have insurance coverage in the amount of \$1 Million for death, bodily injury, and property damage. She noted the driver will be required to maintain this coverage until the ride is complete and the passenger exits the vehicle. Mayor Stephens asked how the insurance companies will handle this requirement. Ms. Callaway responded Senate Bill 947, passed by the General Assembly, mandates this coverage. She stated Senate Bill 947 requires the TNC to not wait until the TNC driver's insurance company denies a claim before the TNC deals with the claim.

An opportunity was given for citizens to express their views.

Reggie Duke spoke in support of the proposed. He stated he was a driver for Uber in Kansas City and expressed his opinion the proposed will have a positive impact on the City. Councilwoman Ferguson asked if there was a company policy for transporting severely inebriated people. Mr. Duke responded he is not aware of such a policy. Ms. Ferguson asked if he had concerns about the liability of transporting severely inebriated people. Mr. Duke responded the company assists drivers with cleaning their cars in the event a passenger becomes sick while riding in the vehicle. Ms. Ferguson asked if Uber provided pathogen training. Mr. Duke responded he did not recall if pathogen training was provided.

Thomas (Rick) Benz spoke in opposition to the proposed. He stated he is a licensed owner for Yellow Cab. Mr. Benz expressed his opinion the fingerprinting, background checks, and insurance requirements should not be changed.

Mark Schedlbauer spoke in support of the proposed. He expressed his opinion TNCs will allow people like him to work when they are able to work. Mr. Schedlbauer urged City Council to pass the proposed.

Stephanie Bryant spoke in support of the proposed. She expressed her opinion it is time for Uber to be allowed to operate in the City of Springfield. Ms. Bryant expressed her opinion having a TNC operating in the City is indicative of the City's desire to be considered a progressive city.

Rusty Worley, Downtown Springfield Association, spoke in support of the proposed. He stated he has been told many times, in order for Springfield to be competitive in attracting young people to Springfield not having Uber in the City is a detriment. He expressed his opinion during events downtown taxi cabs cannot handle the increased requests for rides.

Britton Jobe spoke in support of the proposed. He expressed his appreciation to City Council for tabling the original council bill at the March 21, 2016 City Council meeting. He expressed his opinion Council Bill 2016-244, Substitute No. 1 is a comprehensive TNC bill and will have a positive impact on the City.

Laura Elliott spoke in support of the proposed. She stated the proposed will have a positive impact on the City and she expressed her opinion it will help bring more visitors to Downtown Springfield.

Rebecca Lohmann, representing Uber, spoke in support of the proposed. She expressed her opinion the proposed will help bring jobs to Springfield. She

clarified Uber is the carrier for the \$1 Million insurance policy. Ms. Lohmann expressed her opinion safety is paramount in the Uber business model. Councilwoman Fisk asked how long it takes to become an approved driver for Uber. Ms. Lohman responded the approval process should take a few weeks. Ms. Fisk asked if the TNC vehicles are inspected. Ms. Lohman responded the vehicles will have the same safety inspections as is required for a regular, non-TNC passenger vehicle. Amanda Callaway responded taxi cabs and airport limousines are required to be inspected by the licensing department and TNC vehicles will not be inspected by the City. She stated TNC vehicles will be required to abide by state requirements for safety inspections. Councilman Hosmer asked if the age requirements for Uber are the same in every state where Uber operates. Ms. Lohman responded she believes it will vary from state to state. Mr. Hosmer asked if any of the states have an age requirement of 21. Ms. Lohman responded she does not have that information, but will be happy to provide that to City Council. Mr. Hosmer expressed his opinion the age requirement of eighteen years old is not in the best interest of public safety. Ms. Lohman expressed her opinion 18 is considered the legal age of consent in most cities and states and the proposed offers a job opportunity for legal adults. Mr. Hosmer asked if any of the states have an age requirement of 21. Ms. Lohman responded she believes the minimum age of 18 years old is the standard minimum age requirement. Mayor Pro Tem McClure stated 18 years of age is the state law. He expressed his opinion Uber's minimum age requirement is 19. Ms. Lohman responded the minimum age for Uber is 19.

Neal Peterson addressed City Council. He stated he is a Yellow Cab owner and he does not hire anyone under the age of 21. He expressed his opinion the proposed will put people out of business. Frank Romines, City Attorney, stated the current minimum age requirement in City ordinances is 18 years of age.

Pam Foster spoke in opposition to the proposed. She stated she is a taxi cab owner and has been for 41 years. Ms. Foster noted state law requires any person operating as a chauffeur in the state to be 21. She stated the City's processing requirements takes too long and as a result it is difficult to hire new drivers. Councilwoman Ferguson asked where the holdup in the hiring process is. Ms. Foster stated the holdup is after the company conducts the finger printing and drug screening and submits the application to the City for processing. She expressed her opinion the amount of time the City spends processing application is the holdup.

Motion to Suspend the Rules

Anita Cotter, City Clerk, informed City Council there was one additional speaker requesting to address City Council however, he signed up to late. She asked if City Council wished to suspend their rules. Mayor Pro Tem McClure moved to suspend the rules. Councilwoman Ferguson seconded the motion and it was approved by the following vote:

Ayes: McClure, Fisk, Hosmer, Ferguson, Schilling, Prater, Fishel, and Stephens.
Nays: None. Absent: Fulnecky. Abstain: None.

Adam El Saka spoke in opposition to the proposed. He stated it takes approximately two months to get a license from the City to operate a taxi cab. Mr. El Saka noted taxi cab owners inspect their vehicles every 48 hours. He expressed his opinion the proposed will hurt taxi cab owners.

Frank Romines stated the permitting process for drivers is being changed for TNC and taxi cab drivers. Councilman Hosmer asked if taxi cab drivers are required to have background checks. Mr. Romines responded the proposed moves the permitting requirements from the driver to the company. Mr. Hosmer asked if the proposed is approved will taxi cab drivers go through the same permitting process as an Uber driver. Mr. Romines responded in the affirmative. Mr. Hosmer expressed his opinion the City is lowering all of the regulatory requirements in order to attract Uber. He expressed his opinion the City should give more consideration to public safety and fairness issues. Councilman Fishel asked what the minimum age requirement is to get a Class C license. Mr. Romines responded 18 years of age. Councilwoman Ferguson asked for clarification of the insurance requirements. Ms. Callaway responded the difference with TNCs specifically is when they do and do not have passengers. Ms. Ferguson asked for clarification on the minimum insurance requirements. Ms. Callaway responded the TNCs insurance requirements are dependant upon whether the driver is engaged and providing transportation services and these requirements are mandated by state law. Ms. Ferguson asked if the insurance requirements will be lower for taxi cab drivers. Ms. Callaway responded in the affirmative. Ms. Ferguson asked if the drivers permitting requirements is changing from the drivers to the companies. Ms. Callaway responded in the affirmative. Ms. Ferguson asked if the proposed will help eliminate the aforementioned processing holdups. Ms. Callaway responded in the affirmative. Ms. Ferguson asked if that can happen as soon as the proposed is passed. Ms. Callaway responded in the affirmative. Mayor Pro Tem McClure stated the \$1 Million insurance coverage is mandated by state law. Councilman Hosmer expressed his opinion the \$1 Million coverage is required because the TNC driver's insurance will not apply while engaged in transportation services.

With no further appearances, the public hearing was closed.

Petitions, Remonstrances, and Communications.

Did Not Appear

Mr. Robert A. Mondy wishes to address City Council.

NEW BUSINESS.

UNFINISHED BUSINESS.

MISCELLANEOUS.

The following bills appeared on the agenda under Consent Agenda First Reading Bills:

**Central Ozarks
Regional DWI Task
Force**

Sponsor: Hosmer. Council Bill 2016-246. A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with the member agencies of the Central Ozarks Regional DWI Task Force.

The following bills appeared on the agenda under Consent Agenda One Reading Bills:

**International
Association of Chiefs of
Police Training
Program**

Sponsor: Stephens. Council Bill 2016-247. A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the International Association of Chiefs of Police to provide a training program for the Springfield Police Department, and declaring an emergency pursuant to Charter Section 2.12(1).

Council Bill 2016-247. Special Ordinance 26810 was approved by the following vote: Ayes: McClure, Fisk, Hosmer, Ferguson, Schilling, Prater, Fishel, and Stephens. Nays: None. Absent: Fulnecky. Abstain: None.

**The following bills appeared on the agenda under Consent Agenda
Second Reading Bills:**

Confirmed

The Mayor recommends the following reappointments to the Mayor's Commission on Human Rights and Community Relations: Larry Dinges and Angela Myers with terms to expire October 1, 2019.

Adjourn

With no further business to come before Council, the meeting adjourned at approximately 8:35 p.m.

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by Tom Smith